

DEPARTMENT OF BOATING AND WATERWAYS

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FEB 09 2006 00169

February 3, 2006

Mr. Paul Marshall
SDIP EIS/EIR Comments
Department of Water Resources
Bay Delta Office
1416 Ninth Street
Sacramento, CA 95814

Dear Mr. Marshall:

The mission of the Department of Boating and Waterways (DBW) is to provide safe and convenient public access to California's waterways and leadership in promoting the public's right to safe, enjoyable, and environmentally sound recreational boating.

The Department is the lead agency for controlling Water Hyacinth and *Egeria densa* in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. These non-native aquatic plants form dense mats of vegetation that obstruct navigation channels, marinas, irrigation systems, and water intake structures. These weeds have a negative impact on the Delta ecosystem. They displace native plants; block light needed for photosynthesis, and reduce the amount of dissolved oxygen in the water, and deposit silt and organic matter at several times the normal rate.

The Department of Boating and Waterways reviewed the Draft South Delta Improvements Program EIS/EIR and has the following comments:

1. Table 6.2-S on page 6.2-1, VEG-4: Spread of noxious weeds as a result of gate construction and channel dredging: The mitigation measure to avoid introduction and spread of new noxious weeds may reduce the risk to less than significant for non established noxious weeds, however, it will not reduce the impacts to less than significant for existing noxious weeds particularly *Egeria densa*. If *Egeria* is present in the dredging areas (which is highly likely) dredging the area will spread it. *Egeria* reproduces by the spread of plant fragments. The dredging process will likely create fragments, many capable of creating new colonies of *Egeria*. The presence of vessels (especially the propellers) and other equipment in areas of *Egeria* infestations is likely to create fragments capable of generating new colonies in new locations.
2. The DBW strongly recommends cleaning all vegetation off of equipment used in the water before entering another site to reduce the risk of spreading invasive vegetation by the equipment.
3. The installation of the Department of Water Resources (DWR) temporary rock dams, if done prior to July 1, enabled the DBW to begin spraying to control invasive vegetation early. The current proposal for permanent dams and the method of

FEB 09 2006

00169

operation will most likely jeopardize early spraying based on concerns from National Oceanic and Atmospheric Administration (NOAA Fisheries). This loss of time will make control of both *Egeria densa* and Water Hyacinth much more difficult. DBW would like to work with DWR concerning the issue.

4. Water Hyacinth is a floating plant and will drift around until some obstacle contains it. The rock dams function as an obstacle. Hyacinth plants back up behind the dams for extended periods of time. This has allowed the build up of a hyacinth seed bank. These areas will function as a nursery for hyacinth with the proposed dams and their operation. This will likely cause an increase in the spread of hyacinth. Hyacinth is currently a problem at the Clifton Court Forebay. The proposed project will likely increase this problem due to the seed bank that now exists.
5. With the placement of permanent operable flow control gates and vessel locks, there is a potential and likely need for developing boating regulations to control the speed, direction, and size of vessels that will use the locks. Section 660 and 662 of the Harbors and Navigation Code address the areas and limitations of boating regulations enacted by political subdivisions of the state, including among others, cities, counties, and other state agencies, such as DWR. The four areas allowed include, establishing speed zones, establishing time-of-day use, establishing special use areas, as described in section 651 (v) of the Harbors and Navigation Code which are not in conflict with state laws. (For reference to these laws, please use the following web-site: <http://www.leginfo.ca.gov/calaw.html>.)
6. In conjunction with the need to regulate vessel traffic in the areas with restricted passage, such as through the proposed boat locks, there may be a need to post signs, buoys, lights, or other markers, to control vessel traffic or to provide information for vessel operators, such as informing the vessel operators about speed limits, hours or days of operation, limitation on vessel by length or width, preferred channel, or other safety information. Such waterways markers must be placed in accordance with the federal waterways marking system or with the state's waterway marking system.

The U.S. Coast Guard's Waterways Management Unit in Alameda, California, may be contacted at (510) 437-3073.

If the Coast Guard determines it does not have jurisdiction for this project then the state's waterway marker regulations should be used to place any waterway markers, signs or buoys necessary to manage the vessel traffic in these areas. The state's waterway marker regulations may be accessed by using the following link:

<http://government.westlaw.com/linkedslice/search/default.asp?RS=GVT1.0&VR=2.0&SP=CCR-1000>, or you may call Mike Sotelo, of our regulations unit at (916) 263-0787 for a copy of the regulations.

FEB 09 2006

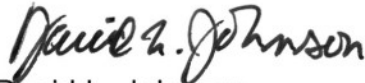
00169

7. The width, length, and depth of the proposed locks should be of sufficient dimensions to facilitate the vast majority of vessels using the areas in question. Data to this end should be provided in the final EIS/EIR.
8. The installation of boat locks on the waterways may cause delays in these restricted areas which could have an impact on recreational boaters and the surrounding environment. Vessel traffic on the Delta during the summer months may become heavy or congested with vessels trying to transit the locks. Vessels may have to drop anchor or tie up to the shoreline while they wait their turns. The waiting or staging of vessels to pass through the locks would likely create a need for restrooms, rest areas, and litter control. Human waste and/or litter would have negative impacts on the water and land environment. Therefore, it is recommended that these potential impacts be mitigated.

The types of mitigation we suggest would include the construction of restrooms, drinking fountains to keep vessel operators and their passengers hydrated, and other enhancements, such as landscaping and shade trees.

Thank you for the opportunity to comment on the Draft EIS/EIR. We would be pleased to work with you on any of the issues discussed in this letter. If you have any questions please feel free to contact me at (916) 263-0780.

Sincerely,



David L. Johnson
Deputy Director